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COMMITTEE OF THE WHOLE

SUMMARY RECORD OF THE 17th MEETING

Held at the Headquarters of the Food and Agriculture Organization of the United Nations on Thursday, 25 June 1998, at 6 p.m.

Chairman: Mr. P. KIRSCH (Canada)

CONTENTS

Agenda item		*Paragraphs*
11	Consideration of the question concerning the finalization and adoption of a convention on the establishment of an international criminal court in accordance with General Assembly resolutions 51/207 of 17 December 1996 and 52/160 of 15 December 1997 (*continued*)	1-7

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The meeting was called to order at 6 p.m.

CONSIDERATION OF THE QUESTION CONCERNING THE FINALIZATION AND ADOPTION OF A CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL COURT IN ACCORDANCE WITH GENERAL ASSEMBLY RESOLUTIONS 51/207 OF 17 DECEMBER 1996 AND 52/160 OF 15 DECEMBER 1997 (*continued*) (A/CONF.183/2/Add.1 and Corr.1)

Part 5 of the draft Statute

1. **The CHAIRMAN** invited the Chairman of the Working Group on Procedural Matters to introduce the Working Group's report concerning the articles in Part 5 of the draft Statute.

2. **Ms. FERNANDEZ de GURMENDI** (Argentina), Chairman of the Working Group on Procedural Matters, introducing the report (A/CONF.183/C.1/WGPM/L.2), said that although the Group had not been able to reach agreement on all the paragraphs of the articles contained in Part 5, it had agreed on most of them. In certain cases it had been decided to divide up the existing text into shorter articles, with the result that Part 5 now had more articles than before.

3. She drew attention to certain corrections to be made in document A/CONF.183/C.1/WGPM/L.2*, reflecting agreement reached since the finalization of the document.

4. In order to facilitate the work of the Drafting Committee, she would like to draw attention to the fact that the Working Group had decided to substitute the word "charges" for the word "indictment" and to replace the term "suspect" with a formulation which would be clearer for the various legal systems which would have to interpret the Statute, such as "person in respect of whom there are grounds to believe that he or she has committed a crime". She also wished to point out that the use of the expression "reasonable basis" in paragraph 1 of article 54 and the use of the expression "sufficient basis" in paragraph 3 was not an accidental inconsistency, but rather the result of a deliberate decision on the part of the Working Group following discussion of the issues involved. Similarly, the decision to divide up certain articles and to combine certain paragraphs had been taken after long discussion, with a view to achieving a delicate balance on a number of substantive issues.

5. She thanked all delegations for their cooperation, and hoped that the texts being submitted would meet with the approval of the Committee.

6. **The CHAIRMAN** said he took it that it was the wish of the Committee to refer the report of the Working Group to the Drafting Committee.

7. *It was so decided.*

The meeting rose at 6.20 p.m.

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*See document A/CONF.183/C.1/WGPM/L.2/Corr.1, circulated subsequently.